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**OFFICE OF HISTORIC PRESERVATION  
DEPARTMENT OF PARKS AND RECREATION**

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ACCEPTED/FILED



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September 28, 2015

Federal Communications Commission  
Office of the Secretary

FCC\_2015\_Program Alternative Comments

Wireless Telecommunications Bureau  
Federal Communication Commission (FCC)  
445 12th St. SW, Room TW-A325  
Washington, DC 20554

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RE: Program Alternative for Small Wireless Communications Facility Deployments –  
Potential Amendments to the National Wide Programmatic Agreement for the  
Collocation of Wireless Antennas – Section 106 Scoping Document

To the Wireless Telecommunications Bureau:

The Wireless Telecommunications Bureau (Bureau) of the Federal Communications Commission (FCC) is seeking comments on a new program alternative to improve and facilitate the review process for deployments of small wireless communications facilities, including Distributed Antenna Systems (DAS) and small cell facilities, under Section 106 of the National Historic Preservation Act (NHPA).

The FCC is seeking an amendment to the Collocation Agreement which would be considered a program alternative. The objective is to more comprehensively define and limit Section 106 review for small wireless communication facility deployments that are unlikely to have adverse effects on historic properties.

Three new approaches are set forth, for potentially amending the Collocation PA for the deployment of small facility deployments and DAS systems. The FCC is seeking input on the following:

- 1) Small Deployments Not on Historic Properties or in or near Historic Districts
  - To exclude from Section 106 review DAS deployment on any building or structure such as bridges, water towers, silos, etc. where review is required only because building/structure is over 45 years of age, provided that the antenna and associated equipment meet specified volume restrictions and there is no ground disturbance. Exclusion would not apply if deployment is on NHL or listed or eligible NR property or within 250 feet of historic district or subject to a complaint filed against the deployment.
- 2) Minimally Visible Small Deployments on Historic Properties and in or near Historic Districts
  - To exclude from Section 106 review DAS deployment on historic properties or in or near historic districts, subject to visibility limits and

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reasonable safeguards on the method of installation. FCC believes that (3 cubic feet for each antennas enclosure, as well as all other associated equipment not to exceed the 17 cubic feet limit) may be appropriate for any exclusion applicable to historic structures or in districts.

3) Additional Deployment on Historic Properties or in or near Historic Districts.

- To exclude from Section 106 Review deployment even when they are visible and on historic properties and or in or near historic districts, in limited circumstances and subject to specific criteria. To minimize the potential for adverse effects on historic properties, to limit such an exclusion to certain structures such as utility poles (Defined as one that is in active use by a utility as defined by Section 224 of the Communication Act but not including light poles, lamp posts and other structures whose primary purpose is to provide public lighting), non-historic light posts, and traffic lights, deployments in certain locations such as utility or communications right-of-way, or replacement facilities that meet size limits.

Pursuant to the existing Nationwide Programmatic Agreement for the Collocation of Wireless Antennas (Collocation Agreement), most collocations are excluded from routine historic preservation review today already with some defined exceptions.

Therefore, based on the history of past reviews of small facility and DAS systems in California and the content of the Collocation Agreement, and after reviewing the proposed 3 scenarios for the proposed Exclusions, I am issuing the following comments:

- By way of background, my office has already streamlined the Section 106 review process for the deployment of small cell facilities and DAS systems. We review the deployment of one DAS system as one undertaking consisting of a specified number of nodes and a specified number of hubs in a defined geographic area. If other SHPO's are not offering such a review, that could be one method of achieving efficiencies in the review process.
- The current Collocation PA provides for streamlining the process outside historic districts with a 250-foot buffer zone. This is adequate as it allows the review for historic properties which as it is, are very narrowly defined by the NA-PA (listed or determined eligible for the National Register of Historic Places (NRHP)) via a records search requiring the identification of historic properties (over 45 years of age) and to be determined in the direct APE through the Section 106 review process).
- Under the proposed Scenario/Exclusion 1 properties over 45 years of age would not receive any review as to whether they meet the criteria of the NRHP; whether they are historic or not but deployment of small cells meeting the 3 cubic feet dimension would occur. And on the basis of the definition of "existing" facilities, per the 2015 *Infrastructure Report and*

Order collocations could continue without any further reviews and without considering cumulative effects.

- Whether and how the *Secretary of the Interior's Standards* apply for proposed work on an eligible or listed property or within an eligible or listed district to minimize an effect cannot be established in an Exemption but must be established in the Section 106 review process.
- Historic Districts always have different reasons for which they were determined historic. The character-defining criteria and individual resources vary from district type to district type: residential, industrial, business, urban, vernacular, landscape, etc., and a one-size fits all approach to historic districts and adverse effects or visibility restrictions does not work.
- "Exclude from Section 106 review DAS deployment "on" historic properties" (Exclusion 2) is not defined. If "ON" historic properties means on the façade of historic properties, on historic fabric or materials, where such deployment can cause an effect, the installation or deployment of DAS antennas or small facilities cannot be "excluded". Any deployment of non-historic materials/systems on historic property that has the potential to affect a property must go through the requisite Section 106 review to give the historical resources its required review, determine effects and potential mitigations. This cannot be pre-established via an Exclusion. Moreover, as the 2015 *Infrastructure Report and Order* establishes the definition of an "existing" facility, the Exclusion would allow for continued deployments to an existing facility that also is a historic property without any review or the determination whether cumulative effects are occurring.
- Review of DAS system and other small cell deployments for the interior and exterior of National Register (NR) listed or eligible historic properties must occur and should not be excluded from Section 106 review.
- Utility poles that are 45 years or older, I recommend to be exempted from Section 106 review.
- I recommend against excluding light posts and street lamps located in historic districts under any conditions because these conditions cannot reasonably or accurately enough defined for project proponents to determine their applicability as street lamps and light posts often do contribute to setting and feeling of districts.
- Traffic lights in or near historic districts: exclude the deployment of one 3 cubic feet antenna. However, additional deployments should receive Section 106 review to consider how much height is being added and whether this could provide for an adverse effect.
- Replacement facilities could be excluded if they are replaced "in kind".
- Replacement of facilities should not exceed a more than 10% height increase. Any increase beyond 10% should be submitted for a Section 106 review to consider the potential effects to historic properties and/or in historic districts.
- The existing right-of-way definition appears adequate.

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If you have any questions or concerns, I can be reached at (916) 445-7050 or by e-mail [Julianne.Polanco@parks.ca.gov](mailto:Julianne.Polanco@parks.ca.gov).

Sincerely,

A handwritten signature in black ink, consisting of a stylized 'J' followed by a horizontal line.

Julianne Polanco  
State Historic Preservation Officer

CC: Erik M. Hein, Executive Director, National Conference of State Historic  
Preservation Officers